

United States Senate

WASHINGTON, DC 20510

July 16, 2008

The Honorable Harry Reid
Majority Leader, U.S. Senate
S-221, U.S. Capitol
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker, U.S. House of Representatives
H-232, U.S. Capitol
Washington, DC 20515

The Honorable Tom Harkin
Chairman, Senate Agriculture Committee
328A Russell Senate Office Building
Washington, DC 20510

The Honorable Collin Peterson
Chairman, House Agriculture Committee
1301 Longworth House Office Building
Washington, DC 20515

Dear Majority Leader Reid, Speaker Pelosi, Chairman Harkin, and Chairman Peterson,

We are writing to ask for your expedited consideration of the Safe And Fair Enforcement and Recall for (SAFER) Meat, Poultry, and Food Act of 2007 (H.R. 3484 and S. 3267), bills that would fix a glaring deficiency in our food safety system. These bills would provide our two chief food safety oversight agencies, the U.S. Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA), with the authority to mandate food recalls when necessary.

We think most Americans would be alarmed to learn that the federal government doesn't already have this reasonable power in its regulatory arsenal. The top priority for both the FDA and the USDA should be to protect the public's health, a mission that will sometimes require swift and decisive action that will not be to industry's liking. Mandatory recall authority will ensure that these agencies have the necessary leverage to demand that those private companies responsible for feeding our nation follow strict safety standards and that when mistakes are made the public's safety is not compromised.

The recent e. coli outbreak in Ohio and Michigan have highlighted the serious shortcomings of our current food safety system, which relies on voluntary recalls and self-policing by industry. In this most recent example, Nebraska Beef was first notified by USDA that it likely supplied contaminated beef to various retailers on June 9, 2008. By the second week in June, it had also been confirmed that numerous Ohioans had been infected with e. coli O157:H7, a sometimes-deadly strain of bacteria. But it wasn't until July 3, 2008, that Nebraska Beef finally acquiesced and issued a recall of 5.3 million pounds of its meat.

Had the USDA, the regulatory body charged with the oversight of beef and poultry safety, been able to issue a mandatory recall once it became clear that consumers' safety was at risk due to unsanitary production conditions, unsafe food would have been taken off of the shelves quicker and fewer citizens would have purchased and consumed the contaminated meat. Lives continue

to be put at risk by this delay since many consumers may be unknowingly storing infected meat in their kitchens for future use.

The FDA has asked Congress to provide it with mandatory recall power, and we are heartened by the inclusion of FDA recall authority in various drafts of food safety legislation pending in both chambers. However, it is imperative that *both* USDA and FDA be given this authority, and we cannot afford to continue to put the public's health at risk by delaying any further. Please consider pushing for the passage of both H.R. 3484 and S. 3267 as soon as possible. Thank you in advance for your consideration of this urgent matter.



Sherrod Brown
U.S. Senator

Sincerely,



Diana DeGette
U.S. Representative